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8	BEFORE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2011 - 828
12	MARIA FLORES REYES 5346 Valley Wells Way
13	Las Vegas, NV 89113 A C C U S A T I O N
14	Registered Nurse License No. 458345
15	Respondent.
16	
17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21	Consumer Affairs.
22	2. On or about August 31, 1990, the Board of Registered Nursing issued Registered
23	Nurse License Number 458345 to Maria Flores Reyes (Respondent). The Registered Nurse
24	License was in full force and effect at all times relevant to the charges brought in this Accusation
25	and will expire on August 31, 2012, unless renewed.
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

7. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINARY ACTION

(Disciplinary Action by Another State Health Care Professional Licensing Board) (Bus. & Prof. Code §2761(a)(4))

- 9. Respondent has subjected her Registered Nurse License to disciplinary action for unprofessional conduct under Code section 2761, subdivision (a)(4). Specifically, Respondent's Licensed Professional Nurse Nevada License No. RN30145 was publicly reprimanded by the Nevada State Board of Nursing. As a condition of licensure and within the first twelve months (12) months of the Agreement, Respondent was required to take, and successfully complete, the following courses in critical thinking in nursing for a minimum of 30 contact hours, professional boundaries; and a Nevada Nurse Practice Act web based course.
- 10. Respondent acknowledged to both inappropriate assignment/delegation and failing to supervise, and was publicly reprimanded for violating Nevada Revised Statutes 632.320 (7) (unprofessional conduct) and Nevada Administrative Code sections 632.890 (6) (inappropriate assignment/delegation), and 632.890 (7) (failing to supervise), by engaging in the following conduct:
- (a) On or about June 3, 2006, as requested by a physician, while working as a Registered Nurse and Charge Nurse at Summerlin Hospital, in the pediatric unit, instead of the ICU, Respondent assigned a nurse to assist the physician with a procedural sedation (for a radiographic procedure). This procedure took place on the pediatric floor, not in the ICU. The assigned nurse, although qualified, expressed discomfort with Respondent's request. Respondent did not inform the ICU Charge Nurse of the physician's decision to initiate the sedation on the pediatric floor prior to transporting the patient to Radiology. Respondent gave a controlled medication to a Certified Nursing Assistant (CNA) and instructed her to immediately transport the controlled medication to the physician who requested it. Respondent was informed by the CNA that the

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1	controlled medication had been delivered to the physician within two minutes of it being removed
2	from the PYXIS ¹ . The physician was present at the patient's bedside and directed the care at all
3	times through the patient's recovery.
5	SECOND CAUSE FOR DISCIPLINARY ACTION (General Unprofessional Conduct) (Bus. & Prof. Code §2761(a))
6	11. Complainant realleges the allegations in Paragraphs 9 and 10 above and incorporates
7	them by reference as though fully set forth.
8	12. The conduct as alleged in Paragraphs 9 and 10 above constitutes general
9	unprofessional conduct, and provides grounds for disciplinary action, under the non-inclusive
10	provisions of Code section 2761, subdivision (a).
11	PRAYER
12	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13	and that following the hearing, the Board of Registered Nursing issue a decision:
14	1. Revoking or suspending Registered Nurse Number 458345, issued to Maria Flores
15.	Reyes;
16	2. Ordering Maria Flores Reyes to pay the Board of Registered Nursing the reasonable
17	costs of the investigation and enforcement of this case, pursuant to Business and Professions
18	Code section 125.3; and
19	3. Taking such other and further action as deemed necessary and proper.
20	
21	DATED: April 8, 2011 Jourse L. Bailer, LOUISE R. BAILEY, M.ED., RN
22	Executive Officer Board of Registered Nursing
23	Department of Consumer Affairs State of California
24	Complainant
25	SF2010900340
26	CR: 03/30/11
27	PYXIS is a leading automated dispensing system, which supports decentralized medication management.
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